



House of Representatives

General Assembly

File No. 430

February Session, 2006

Substitute House Bill No. 5576

House of Representatives, April 6, 2006

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CONTENT OF MINUTES OF A MEETING UNDER THE FREEDOM OF INFORMATION ACT AND THE COPYING OF PUBLIC RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 1-225 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The meetings of all public agencies, except executive sessions, as
5 defined in subdivision (6) of section 1-200, shall be open to the public
6 and shall be recorded by such public agency. The votes of each
7 member of any such public agency upon any issue before such public
8 agency shall be reduced to writing and made available for public
9 inspection within forty-eight hours and shall also be recorded in the
10 minutes of the session at which taken, which minutes shall be available
11 for public inspection within seven days of the session to which they
12 refer and shall, upon request, include a list of the speakers on any topic

13 discussed during an agency meeting in addition to a summary of each
14 speaker's comments that is adequate to provide the reader with a basic
15 knowledge of what each speaker said and what transpired at such
16 meeting. Any person making such request for minutes that contain a
17 summary of each speaker's comments may request either an electronic
18 version or paper transcript of such minutes which shall be provided by
19 such public agency.

20 Sec. 2. Section 1-212 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective from passage*):

22 (a) Any person applying in writing shall receive, promptly upon
23 request, a plain or certified copy of any public record. The fee for any
24 copy provided in accordance with the Freedom of Information Act:

25 (1) By an executive, administrative or legislative office of the state, a
26 state agency or a department, institution, bureau, board, commission,
27 authority or official of the state, including a committee of, or created
28 by, such an office, agency, department, institution, bureau, board,
29 commission, authority or official, and also including any judicial office,
30 official or body or committee thereof but only in respect to its or their
31 administrative functions, shall not exceed [twenty-five] ten cents per
32 page; and

33 (2) By all other public agencies, as defined in section 1-200, shall not
34 exceed [fifty] ten cents per page. If any copy provided in accordance
35 with said Freedom of Information Act requires a transcription, or if
36 any person applies for a transcription of a public record, the fee for
37 such transcription shall not exceed the cost thereof to the public
38 agency.

39 (b) The fee for any copy provided in accordance with subsection (a)
40 of section 1-211 shall not exceed the lesser of the cost thereof to the
41 public agency or the market rate. In determining such costs for a copy,
42 other than for a printout which exists at the time that the agency
43 responds to the request for such copy, an agency may include only:

44 (1) An amount equal to the hourly salary attributed to all agency
45 employees engaged in providing the requested computer-stored public
46 record, including their time performing the formatting or
47 programming functions necessary to provide the copy as requested,
48 but not including search or retrieval costs except as provided in
49 subdivision (4) of this subsection;

50 (2) An amount equal to the cost to the agency of engaging an
51 outside professional electronic copying service to provide such
52 copying services, if such service is necessary to provide the copying as
53 requested;

54 (3) The actual cost of the storage devices or media provided to the
55 person making the request in complying with such request; and

56 (4) The computer time charges incurred by the agency in providing
57 the requested computer-stored public record where another agency or
58 contractor provides the agency with computer storage and retrieval
59 services. Notwithstanding any other provision of this section, the fee
60 for any copy of the names of registered voters shall not exceed three
61 cents per name delivered or the cost thereof to the public agency, as
62 determined pursuant to this subsection, whichever is less. The
63 Department of Information Technology shall monitor the calculation of
64 the fees charged for copies of computer-stored public records to ensure
65 that such fees are reasonable and consistent among agencies.

66 (c) A public agency may require the prepayment of any fee required
67 or permitted under the Freedom of Information Act if such fee is
68 estimated to be ten dollars or more. The sales tax provided in chapter
69 219 shall not be imposed upon any transaction for which a fee is
70 required or permissible under this section or section 1-227.

71 (d) The public agency shall waive any fee provided for in this
72 section when:

73 (1) The person requesting the records is an indigent individual;

74 (2) The records located are determined by the public agency to be

75 exempt from disclosure under subsection (b) of section 1-210, as
76 amended;

77 (3) In its judgment, compliance with the applicant's request benefits
78 the general welfare; or

79 (4) The person requesting the record is an elected official of a
80 political subdivision of the state and the official (A) obtains the record
81 from an agency of the political subdivision in which the official serves,
82 and (B) certifies that the record pertains to the official's duties.

83 (e) Except as otherwise provided by law, the fee for any person who
84 has the custody of any public records or files for certifying any copy of
85 such records or files, or certifying to any fact appearing therefrom,
86 shall be for the first page of such certificate, or copy and certificate, one
87 dollar; and for each additional page, fifty cents. For the purpose of
88 computing such fee, such copy and certificate shall be deemed to be
89 one continuous instrument.

90 (f) The Secretary of the State, after consulting with the chairperson
91 of the Freedom of Information Commission, the Commissioner of
92 Correction and a representative of the Judicial Department, shall
93 propose a fee structure for copies of public records provided to an
94 inmate, as defined in section 18-84, in accordance with subsection (a) of
95 this section. The Secretary of the State shall submit such proposed fee
96 structure to the joint standing committee of the General Assembly
97 having cognizance of matters relating to government administration,
98 not later than January 15, 2000.

99 (g) Any individual may copy a public record through the use of any
100 equipment or means provided by such individual, including, but not
101 limited to, a hand-held scanner. A public agency may establish a fee
102 structure not to exceed ten dollars for an individual to pay each time
103 the individual copies records at the agency with a hand-held scanner.
104 As used in this section, "hand-held scanner" means a battery operated
105 electronic scanning device the use of which (1) leaves no mark or
106 impression on the public record, and (2) does not unreasonably

107 interfere with the operation of the public agency. A public agency shall
108 provide for the use of an electric outlet by an individual when such
109 individual provides his or her own equipment to copy a public record.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	1-225(a)
Sec. 2	<i>from passage</i>	1-212

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
All	App Fund - See Below	See Below	See Below

Note: App Fund=All Appropriated Funds

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
All Municipalities	STATE MANDATE - See Below	See Below	See Below

Explanation

This bill requires that each public agency meeting shall be recorded, and a list of speakers and a summary of their comments, in either an electronic version or paper transcript be made available to the public upon request within seven days of the meeting. This state mandate will result in minimal equipment costs to those state or town agencies that do not currently have recording equipment. The bill also reduces the fees that public agencies can charge for copies of documents in accordance with the Freedom of Information Act to be no more than the market rate of making copies, which could result in a minimal revenue loss.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5576*****AN ACT CONCERNING THE CONTENT OF MINUTES OF A MEETING UNDER THE FREEDOM OF INFORMATION ACT AND THE COPYING OF PUBLIC RECORDS.*****SUMMARY:**

The bill reduces, to 10 cents, the maximum per page fee public agencies may charge for providing a copy of any public record, thus, making the fee the same for copies of records held by state and non-state public agencies (e.g., municipalities). It requires an agency's actual fee to be the lesser of 10 cents or its cost to provide the copy. Under current law, non-state and state agencies can charge up to 25 cents and 50 cents, respectively, but not more than the agency's cost to produce the copy.

The bill also allows the public to use any equipment or means, rather than just a hand-held scanner, to copy a public record. It requires public agencies to provide an electric outlet to people who bring their own copying equipment.

Lastly, the bill requires public agencies to record their meetings, other than executive sessions. If anyone asks, the bill requires agencies to include in their minutes a list of people who speak during the meeting and a summary of their comments. The summary must be sufficient to provide a reader with a basic knowledge of comments and what transpired at the meeting. Agencies must provide the minutes with summaries only in electronic or paper form, depending on the requestor's demand.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 8 (03/24/2006)